

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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AUDREY BRETILLOT et ano,

Civil Action File No.
14 CV 7633 (JGK)

Plaintiffs,

-against-

CLIVE BURROW, et al,

DECLARATION

Defendants.
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RAY BECKERMAN, duly admitted to practice in this Court, affirms under penalty of perjury:

1. I am associated with Ray Beckerman, P.C., attorneys for defendants Clive Burrow ("Burrow") and Urban Cart Inc. ("Urban Cart"), and respectfully submit this declaration in support of said defendants' motion for consolidation.

2. On precisely the same day, September 19, 2014, two separate copyright actions were commenced which involve many of the identical facts and primary parties as those in the instant case:

(A) Burrow and Urban Cart (who are defendants in the instant action) filed suit against Audrey Bretillot ("Bretillot") (one of the two plaintiffs in the instant action), and two corporations named New York TAB, Inc. (one of which – we're not sure which – is a plaintiff in the instant action), along with a James Sorrell, who is employed by New York TAB, Inc. (again we're not sure which), in Urban Cart Inc. et ano v. Audrey Bretillot et al, 14 CV 7599 (RWS) claiming that Bretillot had filed a fraudulent copyright registration on materials which did not belong to her, seeking a declaratory judgment and cancellation of said registration, damages for a

false DMCA notice, and seeking relief under the Lanham Act for false designation of origin in representations to many of the third parties sued herein as defendants (the “Declaratory Judgment action”)(A copy of the complaint in the Declaratory Judgment action is annexed hereto as exhibit A);

(B) Bretillot and one of the two New York TAB’s (both of whom are defendants in the Declaratory Judgment action) brought the instant copyright action against Burrow, Urban Cart, and all or most of the third parties whom they had been threatening to sue, as set forth in the Lanham Act claim in the Declaratory Judgment action, based upon alleged infringement of the very copyright which the Declaratory Judgment action alleges was fraudulently obtained, and not the property or creation of Bretillot at all (the “Infringement Action”)(A copy of the complaint in the Infringement Action is annexed hereto as exhibit B).

3. It is clear that the two actions involve the same facts and legal issues and, in the interest of judicial economy as well as the economy of the parties, and also in the interest of ensuring the consistency of the outcomes, should be consolidated.

4. Both parties’ counsel have conferred and agreed that the two actions should be consolidated – indeed consolidation was first brought up by plaintiffs’ counsel – but have not been able to reach a stipulation; the stipulation which the undersigned prepared was given to plaintiff’s counsel on October 24th – eleven (11) days ago – and I still haven’t received either a signed version, or a counterproposal, or even an indication as to when, if ever, I will hear from them on the subject.

WHEREFORE it is respectfully requested that the Court order the consolidation of the within action with Urban Cart Inc. et ano v. Audrey Bretillot et al, 14 CV 7599 (RWS), and direct the Clerk of the Court to take the customary actions and make the customary entries

needed to effectuate same, and that the caption of the consolidated action shall be:

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URBAN CART INC. and CLIVE BURROW,

Plaintiffs,

Civil Action File No.
14-cv-7599 (JGK)

-against-

AUDREY BRETILLOT, JAMES SORRELL,
NEW YORK TAB, INC., a Delaware corporation,
and NEW YORK TAB, INC., a New York
corporation,

Defendants.

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AUDREY BRETILLOT and NEW YORK TAB INC.,

Plaintiffs,

14-cv-7633 (JGK)

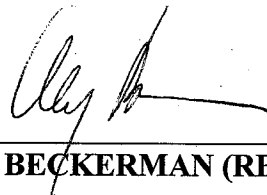
CLIVE BURROW, URBAN CART, LINDSAY PERTH,
LANDSKAPP, IAN DEWSBERY, LOVELL JOHNS,
RICK TARDIFF, CONRAD AYOTTE,
J.S. McCARTHY PRINTERS, MITCHELL NEWMAN,
JIM BERRY, MITCHELL'S NY DATA MOVERS,

Defendants.

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together with such other and further relief as to the Court seems proper.

Dated: Forest Hills, New York
November 3, 2014



RAY BECKERMAN (RB8783)